

Mark S. Scheffer, Esquire  
Michael W. Jones, Esquire  
**POMERANTZ & SCHEFFER**  
Identification Nos. 59271/59743  
7<sup>th</sup> Floor, Stephen Girard Building  
21 South 12<sup>th</sup> Street  
Philadelphia, PA 19107-3603  
(215) 569-8866

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MARTITA TOGBA**  
209 Lincoln Avenue  
Collingdale, PA 19023

vs.

**HOLCOMB BEHAVIORAL HEALTH  
SYSTEM**  
930 E. Lancaster Avenue, Suite 220  
Exton, PA 19341

: CIVIL ACTION

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No.

**JURY TRIAL DEMANDED**

**COMPLAINT**

1. Plaintiff, MARTITA TOGBA, is an individual and citizen of the Commonwealth of Pennsylvania residing therein at 209 Lincoln Avenue, Collingdale, PA 19023.

2. Defendant, HOLCOMB BEHAVIORAL HEALTH SYSTEM, is an entity engaged in an industry affecting commerce with offices located at 930 E. Lancaster Avenue, Suite 220, Exton, PA 19341.

3. The cause of action set forth herein arises under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq.

4. The District Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and § 1343.

5. At all times material hereto, Defendant had over 15 employees.

6. At all times material hereto, Defendant acted through its authorized agents, servants, and/or employees who in turn were acting within the scope of their employment with Defendant and in furtherance of Defendant's business.

7. On or about July 10, 2002, Plaintiff, a female, was hired by Defendant in the position of Skill Trainer.

8. During the period from July 20, 2002 until December 19, 2002, Defendant's Home Coordinator (male), a supervisor, made a series of unwelcome sexual advances which were rebuffed by Plaintiff.

9. After Plaintiff failed to visit the Coordinator's home at his request on December 19, 2002, Plaintiff's supervisor's demeanor toward and treatment of Plaintiff became hostile and intimidating.

10. Notwithstanding Defendant's policy of progressive discipline, Plaintiff's supervisor fired her on January 15, 2003 for an alleged infraction without receiving prior discipline.

11. Defendant's putative reason for her termination (i.e., because she was not taking her job seriously) was a pretext for unlawful discrimination on the basis of retaliation for spurning unwelcome sexual advances of a supervisor.

12. As a direct and proximate result of Defendant's unlawful discrimination, as set forth above, Plaintiff has in the past incurred, and may in the future incur, a loss of earnings, loss of earning capacity, loss of benefits, pain and suffering, upset, emotional anguish, loss of life's pleasures, attorney's fees and costs.

13. On or about March 12, 2003, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"), which was dual-filed with the Pennsylvania

Human Relations Commission.

14. On June 2, 2003, the EEOC issued Plaintiff a right-to-sue letter.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant:

- (a) Declaring Defendant's actions to be in violation of Title VII;
- (b) Awarding Plaintiff reinstatement to an appropriate position with Defendant;
- (c) Awarding compensatory damages to Plaintiff to make Plaintiff whole for all lost earnings, past and future, which Plaintiff has suffered as a result of Defendant's improper and discriminatory treatment, including, but not limited to, past and future wages, lost earning capacity, pension and other lost benefits;
- (d) Awarding compensatory damages to Plaintiff for emotional upset, mental anguish, humiliation, loss of life's pleasures, and pain and suffering;
- (e) Awarding punitive damages to Plaintiff;
- (f) Awarding Plaintiff's costs of this action, together with reasonable attorney's fees;

- (g) Awarding Plaintiff such other damages as are appropriate under Title VII; and
- (h) Granting such other and further relief as the court deems appropriate.

Respectfully submitted,

POMERANTZ, SCHEFFER & ASSOCIATES

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Mark S. Scheffer, Esquire

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Michael W. Jones, Esquire  
21 South 12<sup>th</sup> St., Suite 700  
The Stephen Girard Building,  
Philadelphia, PA 19107-3603  
(215) 569-8866

Dated: \_\_\_\_\_

(Attorneys for Plaintiff, Martita Togba)